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10/814,683	03/31/2004	James N. Rothbarth	RHB 8982.4	8322

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SENNIGER POWERS
ONE METROPOLITAN SQUARE
16TH FLOOR
ST LOUIS, MO 63102

EXAMINER
LEE, WILSON

ART UNIT	PAPER NUMBER
2163	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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	Application No.	Applicant(s)
Office Action Summary	10/814,683	ROTHBARTH ET AL.
	Examiner	Art Unit	
	Wilson Lee	2163	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>22 May 2007</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1 and 3-22</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1 and 3-22</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>31 March 2004</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date <u>5/22/07</u>.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____ .

Continued Examination Under 37 CFR. 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued under 37 CFR 1.114, and fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/22/07 has been entered.

Claim Objections

Claim 15 is objected. "Identifying" should be changed to --identifying-- in lines 4, 5, "Providing" should be changed to --providing-- in line 6. A claim should start from a capital letter and end with a period.

Claim Rejections – 35 U.S.C. 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 13, 14 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In Claim 13, line 11, "the second computer" lacks antecedent basis.

In Claim 14, line 5, "the user specified target amount" is vague whether is a target amount cited in claim 13 or another target amount newly introduced. Line 11, the second computer" lacks antecedent basis.

In Claim 22, line 33, "the second computer" lacks antecedent basis.

Claim Rejections – 35 U.S.C. 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 3-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haff et al. (6,219,669).

Regarding Claim 1, Haff discloses a tangible computer readable storage medium having computer executable instructions for facilitating the transfer of back-up copies of one or more files from a first computer (local computer) to a second computer (destination computer) via a communications network (Internet) including the Internet (Col. 5, line 60 to Col. 6, line 49), comprising:

- instructions for designating files from the first computer (local computer) for which back-up copies will be transferred to the second computer, said the first computer and said second computer (destination computer) being Internet-enabled (Internet) (Col. 5, line 60 to Col. 6, line 49);

- instructions for receiving, at the first computer, user input defining destination identification data (destination selector) (Col. 6, lines 22-37);

- instructions for identifying an Internet location (IP address) of the second computer as a function of the defined identification data (Note: user created PC destination as nickname, see Col. 22, lines 18-40 and Col. 11, line 60 to Col. 12, line 28);

- instructions for selectively transferring, based on a total size of the files being transferred (Note: larger files require more credits for transfer. See Col. 43, lines 37-45, Col. 44, lines 1-12), the designated files from the first computer to the second computer (file selector at the local computer: Col. 59, lines 61-67; displaying available credit: Col. 6, lines 50-60; destination selection, see Col. 22, lines 18-40 and Col. 11, line 60 to Col. 12, line 28);

- wherein the designated files are directly transferred from the first computer to the second computer at the identified location via the Internet when a total size of the files being transferred is less than a

target amount (Note: maximum of credits for transferring files. For instance, if the maximum number of credits is 100, then the target amount will be 50 Megabyte because it requires 2 credits per one transfer for a 1 Megabyte file transfer, see Col. 43, lines 37-45, Col. 44, lines 1-12), said instructions for selectively transferring including instructions for causing, during file transfer, the second computer to be directly accessed via the Internet, without establishing communication via a server, by the first computer and without passing through any intermediate computer between the first and second computer (without intermediate storage on an intervening computer) (Col. 5, line 60 to Col. 6, line 49), and

wherein the designated files are transferred from the first computer directly to the portable computer (figs. 1, 15, Col. 21, lines 10-27). As discussed above, Haff essentially discloses the claimed invention but does not explicitly disclose that transferring the file when the total size of the files being transferred is greater than the target amount. However, since operator or user can authorize credit and data transferring distribution, file can be transferred to a notebook computer when the operator/user believe the size of the files is over or under the limit of credits at the destination computer. The file transfer control (with a send button) is shown in Figs. 18, 19. Controlling the IN/OUT of the data from/to a specified location is considered as intended use. It would have been obvious to one of ordinary skill in the art to have included this function in Haff which depends upon the decision of the user or operator. Further, using any external storage device (e.g. memory jumper drive, memory flash card) for transferring files if the size of the files is greater than the storage limit has been commonly used nowadays that does not produce any novelty and unexpected results;

       -           receiving, at the second computer, the selectively transferred files
wherein said received files includes authentication data for determining
whether the first computer is authorized (transfer authorization, Col. 31,
lines 55-67; Col. 39, lines 6-37) to store back-up copies on the second
computer (authenticated data, Col. 14, lines 52-67; Col. 18, lines 15-21;
Col. 60, lines 8-15); and

      -            storing, at the second computer, the received files when the first
computer is determined to be authorized (transfer authorization: Col. 31,
lines 55-67; Col. 39, lines 6-37).

Regarding Claim 3, Haff discloses instructions for receiving, at the second
computer include instructions for transferring the files the portable readable medium
(notebook, figs. 1, 15, Col. 21, 10-27) directly to the second computer for storage.
(Note: As discussed above, since operator or user can authorize credit and data
transferring distribution, file can be transferred to a notebook computer when the
operator/user believe the size of the files is over or under the limit of credits at the
destination computer. The file transfer control (with a send button) is shown in Figs. 18,
19. Controlling the IN/OUT of the data from/to a specified location is considered as
intended use).

Regarding Claim 4, Haff discloses the medium of claim 1, wherein instructions for
designating files includes instructions for displaying a first input form on a display linked
to the first computer (local computer), said first input form receiving input data (selecting
files. Col. 6, lines 22-49) from a user, and said input data designating the one or more
files (selected files. Col. 6, lines 22-49) to be copied and transferred to the second
computer (destination computer) (file selector at the local computer: Col. 59, lines 61-
67; displaying available credit: Col. 6, lines 50-60).

Regarding Claim 5, Haff discloses the medium of claim 1, wherein instructions for
selectively transferring files include instructions for encrypting the designated files

(encrypts every files prior to transmission. Col. 6, lines 45-49, lines 61-62) prior to transferring the designated files to the second computer (destination) (file selector at the local computer: Col. 59, lines 61-67; displaying available credit: Col. 6, lines 38-60).

Regarding Claim 6, Haff discloses the medium of claim 1 wherein instructions for selectively transferring files (file selector: Col. 59, lines 61-67) further includes transferring authentication data (authenticated confirmation and identities: Col. 18, lines 15-21; Col. 30, lines 13-38) to the portable computer readable storage medium (notebook, figs. 1, 15, Col. 21, 10-27).

As discussed above, Haff essentially discloses the claimed invention but does not explicitly disclose that transferring the files when the total size of the files being transferred is greater than the target amount. However, since operator or user can authorize credit and data transferring distribution, file can be transferred to a notebook computer when the operator/user believe the size of the files is over or under the limit of credits at the destination computer. The file transfer control (with a send button) is shown in Figs. 18, 19. Controlling the IN/OUT of the data from/to a specified location is considered as intended use. It would have been obvious to one of ordinary skill in the art to have included this function in Haff which merely depends upon the decision of the user or operator. Further, using any external storage device (e.g. memory jumper drive, memory flash card) for transferring files if the size of the files is greater than the storage limit has been commonly used nowadays that does not produce any novelty and unexpected results.

Regarding Claim 7, as discussed above, Haff essentially discloses the claimed invention but does not explicitly disclose using passwords as the authentication data. However, Haff teaches that login procedures and passwords entry have been used to overcome security issues and conventional (Col. 2, lines 25-45). It is believed that the claimed limitations using passwords matching would not render any novelty and unexpected results. It would have been obvious to one of ordinary skill in the art to

provide a conventional passwords matching in Haff in order to overcome security issues.

Regarding Claim 8, Haff discloses the medium of claim 7 further including instructions for:

- retrieving, at the second computer, a first identification tag from the portable computer readable storage medium (all ports of computers comprise their own ID), said identification tag (of the data port) being randomly generated by the first computer (Col. 26, lines 44-53, Col. 27, lines 1-20) to identify the one or more files to be transferred from the portable computer readable storage medium to the second computer (identifying information, IDs. Col. 10, lines 41-51, Col. 27, lines 52-67);

- sending an authentication request including the first identification tag to the first computer via the communication network (transfer authorization, Col. 31, lines 55-67; Col. 39, lines 6-37; authenticated data, Col. 14, lines 52-67; Col. 18, lines 15-21; Col. 60, lines 8-15);

- receiving, at the first computer, the authentication request and the first identification tag (transfer authorization, Col. 31, lines 55-67; Col. 39, lines 6-37; authenticated data, Col. 14, lines 52-67; Col. 18, lines 15-21; Col. 60, lines 8-15) and;

- comparing, at the first computer, the received first identification tag with an second identification tag being stored on the originating computer to determine if the tags match, wherein the second identification tag corresponds to a tag previously generated by the first computer to identify a particular file or particular set files being transferred to a portable computer readable storage medium (comparing identifying information, IDs. Col. 10, lines 41-51, Col. 27, lines 52-67);

-          requesting, at the first computer, input from an originating user to confirm

back-up is authorized (transfer authorization, Col. 31, lines 55-67; Col.

39, lines 6-37; authenticated data, Col. 14, lines 52-67; Col. 18, lines 15-

21; Col. 60, lines 8-15) if there is a matching tag (destination identities

matched in the list, see Col. 10, lines 40-50;

-          sending a reply including the user input (attached file) to the second

computer via the communication network (fig. 20); and

-          determining whether the first computer is authorized (transfer

authorization, Col. 31, lines 55-67; Col. 39, lines 6-37; authenticated

data, Col. 14, lines 52-67; Col. 18, lines 15-21; Col. 60, lines 8-15) as a

function of the user input included in the reply.

Regarding Claim 9, Haff inherently discloses that " instructions for storing files

further comparing the storage amount data to file storage data to determine if storage

space is available, and wherein the back-up copies of the one or more designated files

stored on the computer readable storage medium are stored on the second computer if

storage space is determined to be available."   The above limitation is an inherent

feature in Haff because if the storage space is full or not available, the data transfer will

be indicated as failed in Window shown of Fig. 15. In addition, although Haff does not

explicitly disclose that a storage amount data defining a maximum amount of storage

space available on the second computer for storing files transferred from the first

computer, and said file storage data specifying a current amount of storage space,

however, it is well known to a skilled in the art that any computer including Haff

comprises a function that shows the property of the hard drive (storage space) when

right-click on the hard drive and choose the " properties" . The properties of the hard

drive will show the maximum amount of storage space available on the computer.

Regarding Claim 10, Haff discloses the medium of claim 1, wherein instructions

for designating files for transfer further includes instructions for:

- designating a destination identifier associated with the second computer (A list of destination identities, see Col. 10, lines 40-50);

- designating storage schedule data for back-up copies (schedule the file transfer, see Col. 7, lines 15-30, Col. 7, lines 62-67); and

- storing (transferring and storing the selected files at the computers) the back-up copies of the designated one or more files (Col. 6, lines 22-49), the designated destination identifier (identifying information, Col. 14, lines 52-67; A list of destination identities, see Col. 10, lines 40-50), and/or the designated storage schedule data in an originating database (schedule the file transfer, see Col. 7, lines 15-30, Col. 7, lines 62-67).

Regarding Claim 11, Haff discloses the medium of claim 10, wherein instructions for designating files includes instructions for displaying a first input form on a display (monitor) linked to the first computer (fig. 1) said first input form receiving input data from a user, and said input data designating the one or more files to be copied (selected files) (Col. 6, lines 1-37) and transferred to the second computer, designating the one or more back-up times (schedule the file transfer, see Col. 7, lines 15-30, Col. 7, lines 62-67), and/or designating the destination identifier (destination identities; see Col. 10, lines 40-50; location, see Col. 7, lines 62-67; user created PC destination as nickname, see Col. 22, lines 18-40 and Col. 11, line 60 to Col. 12, line 28)

Regarding Claim 12, Haff discloses the medium of claim 1 further comprising instructions for:

- retrieving one or more stored files from the second computer (receive files from a notebook computer, fig. 15) in response to a request received from the originating user (Col. 5, line 61 to Col. 6, line 49, figs. 1, 2);

- transferring the retrieved files to the portable computer readable storage (send the file to another notebook computer, fig. 15) medium (Note: file

transfers can be made among the local and destination computers in the

network, se Col. 5, line 61 to Col. 6, line 49, figs. 1, 2); and

- delivering the portable computer readable storage medium to the

    originating user (Note: file transfers can be made among the local and

    destination computers in the network, see Col. 5, line 61 to Col. 6, line

    49, figs. 1, 2; files can be sent or received at the local computer, fig. 15.

    Also see Col. 21, lines 10-27).

Regarding Claim 13, Haff discloses a tangible computer readable storage

medium (inherent feature that enable computers to store and read data into and from

any memory or storage means) having computer executable instructions for facilitating

the transfer of back-up copies of one or more files from a first computer (local computer)

via a communications network (Internet) including the Internet to a destination computer

(destination computer) remote from the first computer (Col. 5, lines 61-67, Col. 6, lines

1-37, figs, 1, 2); comprising instructions for:

- designating files from the first computer for which back-up copies

    (considered as intended use) will be transferred to the destination

    computer (Col. 5, lines 61-67, Col. 6, lines 1-49);

- receiving, at the first computer (local computer), user input defining a

    destination identification data (Note: user created PC destination as

    nickname, see Col. 22, lines 18-40; Also, destination selector, see Col. 6,

    lines 22-37);

- identifying a location (IP address) of the destination computer as a

    function of the defined identification data (Note: user created PC

    destination as nickname, see Col. 22, lines 18-40 and Col. 11, line 60 to

    Col. 12, line 28);

- transferring the designated files from the first computer to the second computer via the Internet when the transferred files are less that a target amount (Note: maximum of credits for transferring files. For instance, if the maximum number of credits is 100, then the target amount will be 50 Megabyte because it requires 2 credits per one transfer for a 1 Megabyte file transfer, see Col. 43, lines 37-45, Col. 44, lines 1-12);

- transferring the designed files from the first computer (send files. Fig. 15 and Col. 21, lines 10-27) directly to a portable computer readable storage medium (destination computer can be portable). As discussed above, Haff essentially discloses the claimed invention but does not explicitly disclose that transferring the files when the total size of the files being transferred is greater than the target amount. However, since operator or user can authorize credit and data transferring distribution, file can be transferred to a notebook computer when the operator/user believe the size of the files is over or under the limit of credits at the destination computer. The file transfer control (with a send button) is shown in Figs. 18, 19. Controlling the IN/OUT of the data from/to a specified location is considered as intended use. It would have been obvious to one of ordinary skill in the art to have included this function in Haff which depends upon the decision of the user or operator. Further, using any external storage device (e.g. memory jumper drive, memory flash card) for transferring files if the size of the files is greater than the storage limit has been commonly used nowadays that does not produce any novelty and unexpected results;

- transferring the designated files directly from the portable computer readable storage medium (destination computer can be portable, figs. 1, 15, Col. 21, lines 10-27) to the destination computer (other computer,

figs. 1, 15, Col. 21, lines 10-27) when the files are greater than the target amount (See explanation in the previous paragraph).

Regarding Claim 14, Haff discloses the medium of claim 13 further comprising instructions for permitting a user of the first computer to specify the target amount (Haff further discloses that capacity limits can be set. Col. 2, lines 44-45; authorized credit required for each transfer, see Col. 43, lines 1-45 of Haff) wherein the designated files are transferred from the first computer to the second computer via the Internet when the transferred files are less that the user specified target amount (Note: maximum of credits for transferring files. For instance, if the maximum number of credits is 100, then the target amount will be 50 Megabyte because it requires 2 credits per one transfer for a 1 Megabyte file transfer, see Col. 43, lines 37-45, Col. 44, lines 1-12); wherein whether the designated files are transferred or not transferred from the first computer to the second computer via the Internet when whether the transferred less than or greater than the user specified target amount. It would have been obvious to one of ordinary skill in the art to have included this function in Haff which depends upon the decision of the user or operator because as discussed above the operator can control the file transfer. Also see Figs. 15, 18, 19.

Further, using any external storage device (e.g. memory jumper drive, memory flash card) for transferring files if the size of the files is greater than the storage limit has been commonly used nowadays that does not produce any novelty and unexpected results.

Regarding Claim 15, Haff discloses a method for facilitating the transfer of back-up copies (considered as intended use) of one or more files from a first computer (local computer) via a communications network including the Internet to a destination computer (Col. 6, lines 22-44, figs. 1, 2), comprising:

- identifying a first computer (local computer) (Note: when the computer is in the communication network, it will be inherently and automatically

identified in order to provide communication between the terminals. Col.
6, lines 22-44);

- identifying a destination computer (A list of destination identities, see Col.
10, lines 40-50);

- providing a portable computer readable storage medium (notebook, Fig.
15, Col. 21, lines 10-27) removable and separate (wireless) from the first
computer and the destination;

- designating files (selected files) from the first computer for which back-up
copies (considered as an intended use) will be transferred to the
destination computer (Col. 6, lines 22-49);

- receiving, at the first computer, user input defining destination
identification data (Note: user created PC destination as nickname, see
Col. 22, lines 18-40; Also, destination selector, see Col. 6, lines 22-37);

- identifying a location (IP address) of the destination computer via the
Internet as a function of the defined identification data (Note: user
created PC destination as nickname, see Col. 22, lines 18-40 and Col.
11, line 60 to Col. 12, line 28);

- transferring the designated files from the first computer to the destination
computer via the Internet when a total size of the files being transferred
is less than a target amount (Note: maximum of credits for transferring
files. For instance, if the maximum number of credits is 100, then the
target amount will be 50 Megabyte because it requires 2 credits per one
transfer for a 1 Megabyte file transfer, see Col. 43, lines 37-45, Col. 44,
lines 1-12).

- receiving at the destination computer the transferred files via the Internet,
wherein said received files include authentication data (Note:

authenticated data, see Col. 14, lines 52-67; Col. 18, lines 15-21 and Col. 60, lines 8-15) for indicating to the destination computer that the first computer is authorized (Note: transfer authorization, see Col. 31, lines 55-67 and Col. 39, lines 6-37) to store back-up copies on the destination computer;

- transferring the designated files from the first computer to the portable computer readable storage medium (notebook, figs. 1, 15, Col. 21, lines 10-27). As discussed above, Haff essentially discloses the claimed invention but does not explicitly disclose that transferring the files when the total size of the files being transferred is greater than the target amount. However, since operator or user can authorize credit and data transferring distribution, file can be transferred to a notebook computer when the operator/user believe the size of the files is over or under the limit of credits at the destination computer. The file transfer control (with a send button) is shown in Figs. 18, 19. Controlling the IN/OUT of the data from/to a specified location is considered as intended use. It would have been obvious to one of ordinary skill in the art to have included this function in Haff which depends upon the decision of the user or operator. Further, using any external storage device (e.g. memory jumper drive, memory flash card) for transferring files if the size of the files is greater than the storage limit has been commonly used nowadays that does not produce any novelty and unexpected results;

- transferring the portable computer readable storage medium (notebook, figs. 1, 15, Col. 21, lines 10-27) including the designated files transferred from the first computer to the destination computer (Col. 6, lines 22-49), and

- transferring the designated files from the portable computer readable medium (notebook, figs. 1, 15, Col. 21, lines 10-27) to the destination computer (Col. 6, lines 22-49).

Regarding Claim 16, Haff discloses the method of claim 15 further comprising designating by a user of the first computer the target amount (Note: authorized credit, see Col. 43, lines 1-45 of Haff).

Regarding Claim 17, Haff discloses the method of claim 15 further comprising identifying files on the destination computer to be restored to the first computer including:

- transferring the files to be restored from the destination computer to the first computer via the Internet when a total size of the files being transferred is less than the target amount (Note: maximum of credits for transferring files. For instance, if the maximum number of credits is 100, then the target amount will be 50 Megabyte because it requires 2 credits per one transfer for a 1 Megabyte file transfer, see Col. 43, lines 37-45, Col. 44, lines 1-12 of Haff);

- receiving at the first computer the transferred files (selected files) to be restored via the Internet (computer network, see Col. 6, lines 22-49, Col. 11, line 60 to Col. 12, line 28 of Haff);

- transferring the files to be restored from the destination computer to the portable computer readable storage medium (notebook, figs. 1, 15, Col. 21, lines 10-27). As discussed above, Haff essentially discloses the claimed invention but does not explicitly disclose that the transferring the file when the total size of the files being transferred is greater than the target amount. However, since operator or user can authorize credit and data transferring distribution, file can be transferred to a notebook computer when the operator/user believe the size of the files is over or

under the limit of credits at the destination computer. The file transfer control (with a send button) is shown in Figs. 18, 19. Controlling the IN/OUT of the data from/to a specified location is considered as intended use. It would have been obvious to one of ordinary skill in the art to have included this function in Haff which depends upon the decision of the user or operator. Further, using any external storage device (e.g. memory jumper drive, memory flash card) for transferring files if the size of the files is greater than the storage limit has been commonly used nowadays that does not produce any novelty and unexpected results;

- receiving at the first computer the transferred files to be restored via the portable computer readable storage medium (notebook, figs. 1, 15, Col. 21, lines 10-27, Col. 6, lines 22-49).

Regarding Claim 18, Haff discloses the medium of claim 17 further comprising instructions for:

- identifying files (selected files) to be restored from the destination computer to the first computer (Col. 6, lines 22-49, Col. 18, lines 14-22; Col. 10, lines 28-51 of Haff);

- transferring the files to be restored from the destination computer to the first computer via the Internet when a total size of the files being transferred is less than the target amount (Note: maximum of credits for transferring files. For instance, if the maximum number of credits is 100, then the target amount will be 50 Megabyte because it requires 2 credits per one transfer for a 1 Megabyte file transfer, see Col. 43, lines 37-45, Col. 44, lines 1-12 of Haff);

- receiving at the first computer the transferred files (receive files from notebooks) to be restored via the Internet (Figs. 1, 15);

- transferring the files to be restored from the destination computer to the portable computer readable storage medium (figs. 1, 15, Col. 6, lines 22-29, Col. 21, lines 10-21). As discussed above, Haff essentially discloses the claimed invention but does not explicitly disclose that transferring the files when the total size of the files being transferred is greater than the target amount. However, since operator or user can authorize credit and data transferring distribution, file can be transferred to a notebook computer when the operator/user believe the size of the files is over or under the limit of credits at the destination computer. The file transfer control (with a send button) is shown in Figs. 18, 19. Controlling the IN/OUT of the data from/to a specified location is considered as intended use. It would have been obvious to one of ordinary skill in the art to have included this function in Haff which depends upon the decision of the user or operator. Further, using any external storage device (e.g. memory jumper drive, memory flash card) for transferring files if the size of the files is greater than the storage limit has been commonly used nowadays that does not produce any novelty and unexpected results;

- receiving at the first computer the transferred files to be restored via the portable computer readable storage medium (notebook, figs. 1, 15, Col. 21, lines 10-27, Col. 6, lines 22-49).

Regarding Claim 19, Haff discloses the medium of claim 18 further comprising designating by a user of the first computer the target amount (Note: authorized credit, see Col. 43, lines 1-45 of Haff).

Regarding Claim 20, Haff discloses the medium of claim 15 further comprising instructions for:

- identifying files (selected files) to be restored from the destination computer to the first computer (Col. 6, lines 22-49, Col. 18, lines 14-22; Col. 10, lines 28-51 of Haff);

- transferring the files to be restored from the destination computer to the first computer via the Internet when a total size of the files being transferred is less than the target amount (Note: maximum of credits for transferring files. For instance, if the maximum number of credits is 100, then the target amount will be 50 Megabyte because it requires 2 credits per one transfer for a 1 Megabyte file transfer, see Col. 43, lines 37-45, Col. 44, lines 1-12 of Haff);

- receiving at the first computer the transferred files (receive files from notebooks) to be restored via the Internet (Figs. 1, 15);

- transferring the files to be restored from the destination computer to the portable computer readable storage medium (figs. 1, 15, Col. 6, lines 22-49, Col. 21, 10-27). As discussed above, Haff essentially discloses the claimed invention but does not explicitly disclose that transferring the files when the total size of the files being transferred is greater than the target amount. However, since operator or user can authorize credit and data transferring distribution, file can be transferred to a notebook computer when the operator/user believe the size of the files is over or under the limit of credits at the destination computer. The file transfer control (with a send button) is shown in Figs. 18, 19. Controlling the IN/OUT of the data from/to a specified location is considered as intended use. It would have been obvious to one of ordinary skill in the art to have included this function in Haff which depends upon the decision of the user or operator. Further, using any external storage device (e.g. memory jumper drive, memory flash card) for transferring files if the size

of the files is greater than the storage limit has been commonly used nowadays that does not produce any novelty and unexpected results;

- receiving at the first computer the transferred files to be restored via the portable computer readable storage medium (notebook, figs. 1, 15, Col. 21, lines 10-27, Col. 6, lines 22-49).

Regarding Claim 21, Haff discloses the medium of Claim 20 further comprising designating by a user of the first computer the target amount (Note: authorized credit, see Col. 43, lines 1-45 of Haff).

Regarding Claim 22, Haff discloses a method for facilitating the transfer of back-up copies (considered as intended use) of one or more files (selected files) from a first computer via a communications network including the Internet to a destination computer (Col. 6, lines 22-49, Col. 18, lines 14-22; Col. 10, lines 28-51, Col. 11, line 60 to Col. 12, line 28 of Haff), comprising:

- a first computer (local computer) (Col. 6, lines 22-44, figs. 1, 2);

- a destination computer (A list of destination identities, see Col. 10, lines 40-50; and also see the other computers connected to the network in figs. 1, 2);

- a first computer readable storage medium (inherent feature that enable computers to store and read data into and from any memory or storage means) having computer executable instructions executed by the first computer, said instructions for:

- designating by a first user of the first computer a target amount (Note: authorized credit, see Col. 43, lines 1-45 of Haff);

- designating files (selected files) from the first computer for which back-up copies will be transferred to the destination computer, said designating

by the first user of the first computer (Col. 6, lines 22-49, Col. 18, lines 14-22; Col. 10, lines 28-51 of Haff);

- receiving, at the first computer, user input defining destination identification data (Note: user created PC destination as nickname, see Col. 22, lines 18-40; Also, destination selector, see Col. 6, lines 22-37);

- identifying by the first user of the first computer a location (IP address) of the destination computer via the Internet as a function of the defined identification data (Note: user created PC destination as nickname, see Col. 22, lines 18-40 and Col. 11, line 60 to Col. 12, line 28);

- transferring the designated files from the first computer to the destination computer via the Internet when a total size of the files being transferred is less than the target amount (credits required for data transferring, see Col. 43, lines 37-45, Col. 44, lines 1-12 of Haff) designated by the user of the first computer wherein the designated files are not transferred to the portable computer readable medium (notebook) when a total size of the files being transferred is less than the target amount designated by the user of the first computer (Note: As discussed above, since operator or user can authorize credit and data transferring distribution, file can be transferred to a notebook computer when the operator/user believe the size of the files is over or under the limit of credits at the destination computer. The file transfer control (with a send button) is shown in Figs. 18, 19. Controlling the IN/OUT of the data from/to a specified location is considered as intended use);

- a second computer readable storage medium having computer executable instructions executed by the second computer (destination computer(s), Figs. 1, 2),

- receiving at the destination computer the transferred files from the first computer via the Internet and not via the portable computer readable storage medium when a total size of the files being transferred is less than the target amount designated by the user of the first computer (Note: As discussed above, since operator or user can authorize credit and data transferring distribution, file can be transferred to a notebook computer when the operator/user believe the size of the files is over or under the limit of credits at the destination computer. The file transfer control (with a send button) is shown in Figs. 18, 19. Controlling the IN/OUT of the data from/to a specified location is considered as intended use); wherein said received files include authentication data (Note: authenticated data, see Col. 14, lines 52-67; Col. 18, lines 15-21 and Col. 60, lines 8-15) for indicating to the destination computer that the first computer is authorized (Note: transfer authorization, see Col. 31, lines 55-67 and Col. 39, lines 6-37) to store back-up copies on the destination computer;

- receiving at the destination computer the transferred files from the portable computer readable storage medium (notebook) (Col. 6, lines 22-49. Col. 21, lines 10-27, figs. 1, 15, 18, 19) and not via the Internet. As discussed above, Haff essentially discloses the claimed invention but does not explicitly disclose that transferring the files when the total size of the files being transferred is greater than the target amount. However, since operator or user can authorize credit and data transferring distribution, file can be transferred to a notebook computer when the operator/user believe the size of the files is over or under the limit of credits at the destination computer. The file transfer control (with a send button) is shown in Figs. 18, 19. Controlling the IN/OUT of the data from/to a specified location is considered as intended use. It would have

been obvious to one of ordinary skill in the art to have included this function in Haff which depends upon the decision of the user or operator. Further, using any external storage device (e.g. memory jumper drive, memory flash card) for transferring files if the size of the files is greater than the storage limit has been commonly used nowadays that does not produce any novelty and unexpected results;

- wherein the received files include authentication data (Note: authenticated data, see Col. 14, lines 52-67; Col. 18, lines 15-21 and Col. 60, lines 8-15) from indicating to the destination computer that the first computer is authorized (Note: transfer authorization, see Col. 31, lines 55-67 and Col. 39, lines 6-37) to store back-up copies on the destination computer.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lauria et al. (US 2003/0172094) discloses an automatic file system maintenance. Laborde et al. (US 2003/0154192) discloses an optimized storage for measurement data. Matsumoto (US 2002/0188461) discloses a recording apparatus.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Wilson Lee whose telephone number is (571) 272-1824.

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Wilson Lee

Primary Examiner

U.S. Patent & Trademark Office

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